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PATENT
Docket No. 265.00400101IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Braun et al.)	Group Art Unit:	1631
)		
Serial No.: 10/817,530)	Examiner:	Lori Clow
Confirmation No.: 4868)		
)		
Filed: April 2, 2004)		
)		
For:			
PHYSICAL-CHEMICAL PROPERTY BASED SEQUENCE MOTIFS AND METHODS REGARDING SAME			

RESPONSE TO SPECIES RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

It is unclear from the Election/Restrictions Requirement mailed 13 October 2006 exactly what patentably distinct species the Examiner is referring to as only a single Species A: The method of ranking is listed. As such, this Species A is elected, with traverse.

However, it is believed from the language of the Requirement that the Examiner may be specifying three claimed species of the method of ranking grouped as follows:

- Species Group 1: ranking based on Bayesian scoring function (claim 8 and 19),
- Species Group 2: ranking based on structural similarity(claim 9 and 20),
- Species Group 3: ranking based on distance scoring (claim 10 and 21).

In such a case, Applicants elect, with traverse, the Species Group 1: ranking based on Bayesian scoring function. It is believed that claims 8 and 19 read on the Species Group 1. Further, it is believed that, like the Examiner has indicated, claims 1-7, 11-18 and 22 are generic to the three species groups.

Applicants respectfully request reconsideration and withdrawal or modification of the restriction requirement. This election is with traverse to the extent that it is understood that (a) the requirement will be withdrawn upon the finding of an allowable genus; and (b) any species

Response to Species Restriction Requirement

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withdrawn from consideration will be transferred to the elected subject matter unless it is found patentably distinct from the elected or allowed claims. Applicants traverse on the grounds that the generic claim includes sufficiently few species that a search and examination of all the species at one time would not impose a serious burden on the Examiner.

Applicants reserve the right to pursue examination of any non-elected claims in continuation or divisional applications.

The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number if prosecution of this application may be assisted thereby.

CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper is being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 13th day of November, 2006, at 9:30am (Central Time).

Signature: Danielle N. Moroz
Name: Danielle N. Moroz

13 Nov 2006
Date

Respectfully submitted

By

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